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In re Application of
APPLEYARD, Richard
Application No.: 09/980,562
PCT No.: PCT/AU00/00420
Int. Filing Date: 05 May 2000
Priority Date: 05 May 1999
Attorney Docket No.: WATE-0011
For: INDUSTRIAL PRESS SAFETY SYSTEM

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 11 June 2002 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee of \$1040 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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DISCUSSION

The above-identified application was abandoned on 06 November 2001 for failure to pay the full basic national fee 30 months from the priority date for international application no. PCT/AU00/00420. The basic national fee for a large entity whose international search report was conducted by the Australian Patent Office is \$1040. (See 37 Code of Federal Regulation 1.492(a)(3)). A review of the finance record reveals that a check in the amount of \$970 was included with the Transmittal Letter filed on 01 November 2001, however, an authorization to charge additional fees to the deposit account was not provided. Accordingly, applicant has failed to pay full basic national fee prior to the expiration of the 30th month deadline. Therefore, the Decision mailed 11 April 2002 by the PCT Legal Office was mailed in error and is hereby vacated.

RECOMMENDATION

Applicants may wish to consider filing a petition to the Commissioner under 37 CFR 1.137(a) or (b) requesting that the application be revived. Any petition filed under 37 CFR 1.137(a) and/or a petition under 37 CFR 1.137(b) requesting that the application be revived must meet the criteria indicated in the recent revision of 37 CFR 1.137. This recommendation to file a petition under 37 CFR 1.137(a) or (b) should not be construed as an indication as to whether or not any such petition(s) will be favorably considered.

CONCLUSION

Therefore, the application remains ABANDONED.

The Decision dated 11 April 2002 is hereby VACATED.

Please direct further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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